



United States
Environmental Protection
Agency

Regional Administrator
75 Hawthorne Street
San Francisco CA 94105

Region 9
Arizona, California, Hawaii
Nevada, Pacific Islands

ENVIRONMENTAL PROTECTION AGENCY

JUL 14 1992

Honorable Steven Schiff
U.S. House of Representatives
629 Silver Avenue, SW
Suite 140
Silver Square
Albuquerque, NM 87102

Dear Mr. Schiff:

Thank you for your letter, and the accompanying correspondence from Mr. G. Warnock, President, Todilto Exploration and Development Corporation, to EPA Administrator William Reilly. I have been requested to respond to Mr. Warnock's concerns regarding EPA and Department of Energy's (DOE) actions to address health concerns at the Todilto Corporation uranium mining lease near Grants, New Mexico.

The mine site property leased to Mr. Warnock is administered by the DOE. On October 3, 1990, the EPA Region IX Emergency Response Section was notified by the Agency for Toxic Substance and Disease Registry (ATSDR) of the potential health hazards associated with uranium mine waste and debris located on the DOE parcel and two adjacent mine sites owned by members of the Navajo Nation (Indian Allotments). After collecting limited data and conducting several site visits, ATSDR concluded that the mine sites may pose significant health hazards to the local population due to the presence of exposed radioactive ore, physical hazards, and the potential for heavy metal contamination. On November 21, 1990, as a result of the investigations, ATSDR issued a Public Health Advisory pursuant to Section 104(i)(6)(H) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

The EPA Region IX Emergency Response Section was then tasked to assess the radiological and geochemical conditions at the sites and to determine whether an emergency removal action pursuant to CERCLA was warranted. Elevated gamma emissions, exceeding fifty times background in certain locations, were detected during the assessment. In addition, elevated concentrations of radionuclides were detected within site soils. Approximately forty people, including children, reside within a quarter mile of the sites. The Navajo Superfund and the ATSDR report that several children play within the mined areas.

Radiation is a known carcinogen, mutagen, and teratogen. Exposure to elevated gamma radiation is known to cause cancer,

cataracts, and shorten the life span of affected individuals. The inhalation of radionuclides can cause severe organ damage and certain genetic defects.

After careful review by the Region IX Emergency Response Section, the EPA Office of Air and Radiation, and ATSDR, it was determined that a response action was warranted at all three of the mine sites. After several coordination meetings with the Department of Interior, the Bureau of Indian Affairs, the Office of Surface Mining, the Navajo Nation, the Department of Energy, and EPA, it was decided that EPA should proceed with a response on the two Indian Allotments. The Department of Energy, pursuant to Executive Order 12580, assumed responsibility to conduct the response on the DOE parcel.

From August 11 to September 19, 1991, EPA successfully remediated the two neighboring Indian Allotments. Post-reclamation gamma surveys by EPA revealed that the gamma radiation levels have been effectively reduced to natural conditions. EPA and ATSDR concurred that radiation levels on the two parcels of land are protective of public health and the environment.

The Department of Energy submitted an acceptable reclamation plan for the DOE parcel to EPA in July 1991. The DOE expected Mr. Warnock, the lessee, to conduct the necessary actions to alleviate the radiological hazards. However, Mr. Warnock and the DOE have been unable agree on the reclamation and the site has yet to be addressed. EPA and the Navajo Nation are continuing to monitor and assist the Department of Energy in ensuring that the parcel is properly restored.

I trust that this information will be helpful in responding to your constituent's concerns. If I can be of further assistance, please call me or contact my Congressional Liaison Officer, Sunny Nelson, at (415) 744-1562.

Sincerely,


Daniel W. McGovern
Regional Administrator